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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,873

07/16/2003

Harold E. Mattice

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EXAMINER

DEODHAR, OMKAR A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/621,873	Applicant(s) MATTICE ET AL.	
	Examiner Omkar A. Deodhar	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Non-Final Rejection

Response to Arguments

This is responsive to Applicant's Remarks, submitted 2/14/2008. Double Patenting rejections have been withdrawn.

A new ground(s) of rejection is presented & this action has been made non-final.

Claim Rejections - 35 USC § 112

Claim 1 recites: "confirming whether said configuration file has been successfully compared to said custodial file to a *sufficient level of satisfaction*".

The verbiage "*sufficient level of satisfaction*" is indefinite because it fails to impart a definitive authentication result.

Examiner suggests that Applicant amend this recitation to simply recite: "confirming whether said configuration file has been successfully compared to said custodial file".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn (US 6,149,522).

Claims 1, 7-13 & 16-20:

Alcorn teaches:

A method of authenticating configuration data within or about a gaming machine with respect to a gaming machine boot process

(Abstract – “The authentication program stored in the ... performs an authentication check on the casino game data set at appropriate times ... prior to commencement of game play ...” Boot processes take place prior to game play.)

the method comprising:

providing a central processing unit for use in conjunction with the gaming machine;

providing a volatile programmable electronic device for use in conjunction with the gaming machine;

(Gaming machines have CPU's. Col. 1. Lines 32-39 teach various memory types including RAM.)

(Alcorn does not explicitly disclose usage of a configurator and configuration and custodial files in the authentication process, as recited in the italicized portion below. However, Alcorn discloses the equivalent steps. See Figure 7 and the related description. BIOS is loaded into the main memory, as is bootstrap, OS, drivers and authentication software. In Step 106, pertinent game data such as

graphics, sound and money handling data sets is accessed. In Step 108, data validity is determined. If the data is valid, the application is loaded into the device's main memory. If the data is invalid, the application is prohibited from loading. In Step 118, a second authentication program further determines validity. Again, a valid data determination leads to game data sets being loaded and an invalid data determination prohibits loading of game data sets. The process shown in Figure 7 is repeated every time the machine is powered on. Additionally, the process may be performed on a periodic basis, or on demand. See also Col. 5. Lines 5-14 & Lines 28-43.

Therefore, examiner concludes that it would have been obvious to one of ordinary skill in the art to authenticate game data in the manner recited in claims 1, 13, 19 & 20 because this would have been considered a matter of design choice failing to patentably distinguish over the authentication process taught by Alcorn. Additionally, authenticating data as taught by Applicant would have the same results as the authentication taught by Alcorn; that is maintaining security of the gaming machine. Furthermore, in Col. 1. Lines 44-53 Alcorn teaches verification of game machine software with respect to a custodial version, as required by Applicant's claims. That Alcorn addresses the need for gaming machine software components to be verified against custodial versions bolsters the examiner's position that the specific manner of authentication is a matter of design choice.

providing a configurator for use in conjunction with the gaming machine, said configurator including a read only configuration file;

providing a separate read only custodial file for use in conjunction with the gaming machine, wherein at least a substantial portion of said custodial file is identical to at least a substantial portion of said configuration file when said configuration file is authentic, said custodial file residing in a location separate from said configurator;

holding the operating contents of said volatile programmable electronic device as substantially empty upon a shut down phase of said gaming machine; booting up said gaming machine after said shut down phase;

transferring said configuration file from said configurator to said volatile programmable electronic device;

configuring said volatile programmable electronic device with said configuration file;

comparing at least a representative portion of data from said configuration file with at least a representative portion of data from said custodial file;

confirming whether said configuration file has been successfully compared to said custodial file to a sufficient level of satisfaction; and

permitting a substantial amount of regular gaming machine operations only after a successful confirming step,

(After authentication is complete, game play is offered. See Step 124 of Figure 7).

Claim 2:

Alcorn teaches:

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The method of claim 1, wherein said step of providing a configurator includes providing a configurator that comprises a memory unit, (See Figures 1, 2 and 7 - ample memory units are used in the authentication processes.)

Claims 3-6, 14 & 15:

Alcorn teaches:

As presented above with respect to Claim 1, the manner of authentication is a matter of design choice. Similarly, the specific type of memory unit i.e., ROM, EEPROM, FPGA and PLD is also a matter of design choice. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to use a wide variety of readily available storage devices in the authentication process because this would have been considered a mere design consideration failing to patentably distinguish over Alcorn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett Coburn/
Primary Examiner
AU 3714